S.B.Criminal Misc.Petition No.379/2006
(Ajay Jain vs. State of Rajasthan & anr.)

Date of order : 13.7.2006

HON'BLE MR.H.R.PANWAR,J.

Mr. M.K.Garg, for the petitioner.
Mr. Ashok Upadhyaya, P.P.

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 10.11.2005 passed by Sessions Judge, Udaipur (for short `the revisional court' hereinafter) in Cr.Revision No.113/2005, whereby the revisional court directed to release the vehicle RJ-27-G-0822 in favour of the petitioner provided the petitioner furnishes a bank guarantee or fixed deposit receipt for a sum of Rs.15,000/-.

Learned counsel for the petitioner submits that from the order of taxation authority, which is evident from the order impugned in para 3 that under the heads of 'without permit', 'without certificate of fitness' and 'without certificate of pollution', a sum of Rs.4000/- each, total Rs.12000/- is liable to be recovered. Whereas, the revisional court directed to give bank guarantee of Rs.15,000/- or a fixed deposit receipt for the like amount.

Having regard to the facts and circumstances of the case, in my view the order impugned deserves to be modified to the extent that instead of furnishing bank guarantee or fixed deposit receipt for a sum of Rs.15,000/-, the petitioner may furnish bank guarantee or fixed deposit receipt for a sum of Rs.12,000/-.

In the result, the order impugned is modified to the extent that instead of furnishing a bank guarantee or fixed deposit receipt for a sum of Rs.15,000/-, the petitioner shall give the bank guarantee or fixed deposit receipt for a sum of Rs.12,000/- to the satisfaction of the court below. With this modification, the criminal misc. petition is disposed of.

(H.R.PANWAR),J.

m.asif/-